

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on March 24, 2009 at 9 A.M.,
in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Roy Brown (R)
Sen. Jim Keane (D)
Sen. Donald J. Steinbeisser (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Gregory D. Barkus (R)
Sen. Jim Peterson (R)
Sen. Carolyn Squires (D)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 345, HB 572, 3/13/2009

Executive Action: HB 286, HB 542, HB 567, HB 404, HB
451, HB 544

00:01:24 Chairman Balyeat

EXECUTIVE ACTION ON HB 567

00:02:28 **Motion:** Sen. Brown moved that **HB 567 BE CONCURRED IN.**

00:03:37 **Motion:** Sen. Brown moved **TO AMEND HB 567.**

EXHIBIT(bus65a01)

Discussion:

00:03:53 Pat Murdo

00:04:36 Chairman Balyeat

00:04:43 **Vote:** Motion carried unanimously 11-0 by voice vote.
Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen.
Windy Boy voted by proxy.

00:04:52 **Motion:** Sen. Brown moved **HB 567 AS AMENDED BE
CONCURRED IN.**

Discussion:

00:06:10 Chairman Balyeat

00:07:50 Sen. Jackson

00:08:08 Chairman Balyeat

00:08:18 Bruce Spencer, Montana Automobile Dealers

00:08:38 Sen. Jackson

00:08:56 Bruce Spencer

00:10:06 Chairman Balyeat

00:10:24 **Vote:** Motion carried 10-1 by roll call vote. Sen.
Balyeat voted no. Sen. Barkus, Sen. Peterson, Sen.
Squires, and Sen. Windy Boy voted by proxy. Sen. Brown
will carry the bill on the Senate floor.

00:13:10 Sen. Barkus arrived.

EXECUTIVE ACTION ON HB 286

00:13:27 **Motion:** Sen. Steinbeisser moved that **HB 286 BE
CONCURRED IN.**

Discussion:

00:14:00 Pat Murdo

00:14:22 Chairman Balyeat

00:15:20 **Motion:** Sen. Keane moved **TO AMEND HB 286.**

[EXHIBIT \(bus65a02\)](#)

Discussion:

00:15:57 Sen. Brown
00:16:01 Chairman Balyeat
00:16:19 Pat Murdo

00:17:00 **Vote:** Motion carried unanimously 11-0 by voice vote.
Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted
by proxy.

00:17:25 **Motion:** Sen. Keane moved that **HB 286 AS AMENDED BE
CONCURRED IN.**

Discussion:

00:17:41 Sen. Jackson
[EXHIBIT \(bus65a03\)](#)

Note: Exhibit 3 is an amendment that was passed out
and discussed, but not acted upon.

00:18:17 Chairman Balyeat
00:18:38 Sen. Jackson
00:20:55 Chairman Balyeat
[EXHIBIT \(bus65a04\)](#)

00:22:16 Sen. Jackson
00:23:13 Sen. Brown
00:23:31 Sen. Jackson
00:23:45 Sen. Keane
00:24:43 Sen. Steinbeisser

00:25:15 Sen. Brown left the room.

00:25:22 Sen. Tropila
00:25:48 Sen. Barkus
00:26:58 Sen. Keane

00:28:52 **Vote:** Motion failed 2-9 by roll call vote. Sen.
Squires and Sen. Jackson voted aye. Sen. Brown, Sen.
Peterson, Sen. Squires, and Sen. Windy Boy voted by
proxy.

00:29:03 **Motion/Vote:** Chairman Balyeat moved that **HB 286 BE TABLED AND THE VOTE REVERSED.** Without objection, the vote was reversed and the bill was tabled 9-2 by unanimous agreement of those present.

00:29:10 Sen. Keane

EXECUTIVE ACTION ON HB 542

00:29:40 **Motion:** Sen. Keane moved that **HB 542 BE CONCURRED IN.**

Discussion:

00:29:55 Pat Murdo

00:32:22 Sen. Brown returned.

00:33:06 Sen. Barkus

00:33:35 Pat Murdo

00:34:23 Chairman Balyeat

00:35:43 Pat Murdo

00:37:38 **Vote:** Motion carried 8-3 by voice vote. Sen. Barkus, Sen. Brown, and Sen. Peterson voted no. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. Tropila will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 544

00:39:44 **Motion:** Sen. Keane moved that **HB 544 BE CONCURRED IN.**

00:40:03 **Motion:** Sen. Brown moved **TO AMEND HB 544.**

EXHIBIT(bus65a05)

00:41:07 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy.

00:41:23 **Motion:** Sen. Brown moved that **HB 544 AS AMENDED BE CONCURRED IN.**

Discussion:

00:41:42 Sen. Jackson

00:42:12 Chairman Balyeat

00:42:23 Pat Murdo

00:42:51 Chairman Balyeat

00:42:58 Sen. Brown

00:43:17 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 451

00:44:18 **Motion:** Sen. Steinbeisser moved that **HB 451 BE CONCURRED IN.**

Discussion:

00:44:35 Sen. Brown
00:44:53 Sen. Tropila
00:45:05 Sen. Brown
00:46:57 Sen. Tropila
00:47:30 Sen. Brown
00:47:34 Chairman Balyeat
00:47:43 Sen. Jackson
00:48:22 Sen. Steinbeisser

00:48:38 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. Jackson will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 404

00:49:49 **Motion:** Sen. Brown moved that **HB 404 BE CONCURRED IN.**

Discussion:

00:50:02 Sen. Brown
00:50:39 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Squires, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. McGee will carry the bill on the Senate floor.
00:51:25 Recess
00:51:33 Resume
00:57:52 Chairman Balyeat

HEARING ON HB 345

Opening Statement by Sponsor:

00:59:01 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 345, Damages for unfair claims settlement practices.

01:03:00 Chairman Balyeat left the room. Vice Chair Jackson assumed the position of Chair.

Proponents' Testimony:

01:09:08 Rick Anderson, Butte attorney

EXHIBIT (bus65a06)

01:19:17 Rita Munson, self, Helena

01:22:47 Milt Munson, self, Helena

01:24:13 Mike Wheat, Trial Lawyer, Bozeman

01:27:16 Tom Beers, Attorney, Missoula

01:29:47 Al Smith, Montana Trial Lawyers

EXHIBIT (bus65a07)

Opponents' Testimony:

01:38:44 Bob Phillips, Attorney, Missoula

01:47:29 Curt Drake, Mountain West Farm Bureau Insurance

01:49:42 Bill Price, partner, First West Insurance, and
Independent Insurance Agent, Bozeman

01:52:57 Bruce Spencer, Property Casualty Insurers Association

01:56:17 Mona Jamison, The Doctors Company

02:02:41 Greg VanHorssen, State Farm Insurance

02:04:59 Bob Biskupiak, Independent Insurance Agents Association
of Montana

02:05:58 Spook Stang, Executive Vice President, Montana Motor
Carriers Association

02:06:45 Jon Metropoulos, Farmers Insurance Group

02:09:36 Dennis Lopach, Americas Health Insurance Plans

02:10:28 Jon Bennion, Montana Chamber of Commerce

02:11:19 Riley Johnson, National Federation of Independent
Business

02:11:42 Amy Grmoljez, Yellowstone Insurance Exchange and
Montana Hospital Association

02:12:33 Tanya Ask, New West Health Services, also representing
Susan Witte, Allegiance Life and Benefit

02:13:07 Don Allen, Insurance and Financial Advisers Association

02:13:54 Bob Worthington, Montana Municipal Insurance Authority

02:14:48 Roger McGlenn, Attorney Liability Protection Society
(ALPS)

02:15:22 Tim Fitzpatrick, Montana School Boards Association and
Montana Schools Group Insurance Authority

02:15:52 Jacqueline Lenmark, American Council of Life Insurers,
and American Insurance Association

[EXHIBIT \(bus65a08\)](#)

Informational Testimony: None

02:17:00 Sen. Balyeat returned but did not assume the position
of Chair.

Questions from Committee Members and Responses:

02:18:48 Sen. Balyeat

02:21:55 Bob Phillips

02:22:57 Chairman Balyeat

02:24:22 Rep. K. Peterson

02:24:44 Sen. Tropila

02:25:26 Vice Chairman Jackson

02:26:14 Rep. K. Peterson

Closing by Sponsor:

02:27:27 Rep. Peterson

02:31:54 Sen. Balyeat assumed the position of Chair.

HEARING ON HB 572

Opening Statement by Sponsor:

02:33:21 Rep. JP Pomnichowski (D), HD 63, opened the hearing on
HB 572, Small Business Innovative Research.

[EXHIBIT \(bus65a09\)](#)

Proponents' Testimony:

02:44:35 Anne Marie Quinn, founder, Montana Molecular, Bozeman,
member of Montana Bioscience Alliance

[EXHIBIT \(bus65a10\)](#)

02:51:45 Sen. Balyeat left the room. Sen. Jackson assumed the
position of Chair.

02:51:46 Rob Bargatze, Founder, LigoCyte Pharmaceuticals and
Chairman, Montana Bioscience Alliance

02:55:13 Dave Poulsen, Big Sky Biotech

02:56:18 Sharon Peterson, Executive Director, Montana Bioscience
Alliance

02:57:37 Jay Le Prowse, BN Builders Incorporated
02:58:57 Riley Johnson, National Federation of Independent
Business (NFIB)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:59:46 Sen. Barkus
03:00:15 Rep. Pomnichowski
03:03:12 Anne Marie Quinn
03:04:02 Sen. Brown
03:04:34 Rep. Pomnichowski
03:05:45 Anne Marie Quinn

03:06:24 Sen. Balyeat returned and assumed the position of
Chair. Sen. Jackson left the room.

03:07:17 Chairman Balyeat
03:08:02 Anne Marie Quinn
03:10:36 Rep. Pomnichowski

Closing by Sponsor:

03:11:53 Rep. Pomnichowski

03:12:38 Chairman Balyeat

ADJOURNMENT

Adjournment: 12:16 P.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT ([bus65aad.pdf](#))